

1 MICHAEL S. DICKE (CSB NO. 158187)  
 2 mdicke@fenwick.com  
 3 CATHERINE D. KEVANE (CSB NO. 215501)  
 4 ckevane@fenwick.com  
 5 CASEY O'NEILL (CSB NO. 264406)  
 6 coneill@fenwick.com  
 7 FIONA TANG (CSB NO. 298101)  
 8 ftang@fenwick.com  
 9 FENWICK & WEST LLP  
 10 555 California Street, 12th Floor  
 11 San Francisco, CA 94104  
 12 Telephone: (415) 875-2300  
 13 Facsimile: (415) 281-1350

14 Attorneys for Defendant Alameda Research LLC  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 OAKLAND DIVISION

14 BITCOIN MANIPULATION ABATEMENT  
 15 LLC,

16 Plaintiff,

17 vs.

18 FTX TRADING LTD, ALAMEDA  
 19 RESEARCH LLC, ALAMEDA RESEARCH  
 20 LTD (BVI), SAMUEL BANKMAN-FRIED,  
 GARY WANG, ANDY CROGHAN,  
 CONSTANCE WANG, DARREN WONG, and  
 CAROLINE ELLISON,

21 Defendants.

22 Case No.: 4:19-CV-07245-HSG

**REQUEST FOR JUDICIAL NOTICE IN  
 SUPPORT OF ALAMEDA RESEARCH  
 LLC'S NOTICE OF MOTION AND  
 MOTION TO DISMISS BITCOIN  
 MANIPULATION ABATEMENT LLC'S  
 AMENDED COMPLAINT**

Date: February 13, 2020  
 Time: 2:00 p.m.  
 Dept: Courtroom 2 – 4<sup>th</sup> Floor  
 Judge: Hon. Haywood S. Gilliam, Jr.

1           Defendant Alameda Research LLC (“Alameda”), by and through its attorneys, hereby  
 2 requests that the Court take judicial notice of **Exhibits A-B**, attached to the accompanying  
 3 Declaration of Fiona Y. Tang (the “Tang Declaration”) and referenced in Alameda’s Motion to  
 4 Dismiss Bitcoin Manipulation Abatement LLC’s Amended Complaint (“Motion”), filed  
 5 concurrently herewith. Alameda submits that, pursuant to Rule 201 of the Federal Rules of  
 6 Evidence, the Court may take judicial notice of the documents attached as **Exhibits A-B** to the  
 7 Tang Declaration. Judicial notice of these documents is appropriate for the reasons set forth  
 8 below. The documents to be considered are as follows:

9           1.       The Certificate of Organization of Transpacific IP Group LLC and the Certificate  
 10 of Formation of a Limited Liability Company (together, the “Certificates”) which were filed with  
 11 the Secretary of State of the Government of Puerto Rico on March 13, 2019. The Certificates are  
 12 attached as **Exhibit A** to the Tang Declaration.

13           2.       The Certificate of Amendment certifying a name change from Transpacific IP  
 14 Group LLC to Bitcoin Manipulation Abatement LLC (the “Amendment”) which was filed with  
 15 the Secretary of State of the Government of Puerto Rico on November 2, 2019. The Amendment  
 16 is attached as **Exhibit B** to the Tang Declaration.

17           A matter that is properly the subject of judicial notice may be considered along with the  
 18 complaint when deciding a motion to dismiss for failure to state a claim. *See Skilstaf, Inc. v. CVS*  
 19 *Caremark Corp.*, 669 F.3d 1005, 1016, n.9 (9th Cir. 2012). Courts routinely take judicial notice  
 20 of public documents filed by corporations with a state or territory’s Secretary of State. *See, e.g.*,  
 21 *In re Yahoo! Inc. S’holder Deriv. Litig.*, 153 F. Supp. 3d 1107, 1117-18 (N.D. Cal. 2015) (proper  
 22 to take judicial notice of SEC filings and certificate of incorporation); *Metzler Inv. GMBH v.*  
 23 *Corinthian Colls., Inc.*, 540 F.3d 1049, 1064 n.7 (9th Cir. 2008) (SEC filings subject to judicial  
 24 notice) (citation omitted); *Shurkin v. Golden State Vintners, Inc.*, 2005 WL 1926620, at \*6 (N.D.  
 25 Cal. Aug. 10, 2005) (“[D]istrict courts routinely take judicial notice of public documents such as  
 26 certificates of incorporation or organization filed with the secretary of state.”) (citation omitted).  
 27 The Certificates and the Amendment were filed by plaintiff Bitcoin Manipulation Abatement  
 28

1 LLC (“BMA”), formerly known as Transpacific IP Group LLC, with the secretary of state of the  
2 government of Puerto Rico, and are properly subject to judicial notice. Accordingly, Alameda  
3 respectfully requests that the Court consider Exhibits A and B to the Tang Declaration in  
4 connection with Alameda’s Motion.

5  
6  
7 Dated: December 12, 2019

Respectfully submitted,

8  
9 FENWICK & WEST LLP

10 By: /s/ Michael S. Dicke  
Michael S. Dicke

11 Attorneys for Defendant Alameda Research, LLC

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

FENWICK & WEST LLP  
ATTORNEYS AT LAW